



(Ireland.)



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To amend an Act of the last Session, "to enable Grand Juries at the ensuing Summer and Spring Assizes to make certain Presentments in Counties of Cities and Towns in Ireland, and to remove Doubts as to the Jurisdiction of Justices of the Peace in Places recently annexed to Counties at large in Ireland."

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREBY by an Act passed in the Session of Parliament holden in the third and fourth years of the reign of Her present Majesty, intituled, "An Act for the Regulation of Municipal Corporations in Ireland," it was enacted, that the boundaries of the several boroughs, named in Schedule (A.) to that Act annexed, should, for the purposes of that Act, be taken to be according to the description of such boundaries set forth in Schedule (C.) to that Act annexed; and by another Act passed in the same Session of Parliament, intituled, "An Act to annex certain Parts of certain Counties of Cities to adjoining Counties, to make farther Provision for Compensation of Officers in Boroughs, to limit the Borough Rate, and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in Ireland," it was enacted, that for the purposes of the said first-recited Act, and of that Act, all places locally situate or included within the boundaries of any of the boroughs of Cork, Dublin, Kilkenny, Limerick, Waterford and Drogheda, as defined under the said first-recited Act, should from and after the time when the said Act secondly above mentioned should come into operation, be deemed and taken to be part or parts of the county of the city or county of the town of such borough respectively, and of no other county; and every portion, place

Preamble:
3 & 4 Vict.
c. 109, s. 20.

3 & 4 Vict.
s. 190.

or precinct of every county of a city or county of a town not under the said Acts included within any such borough, should, until provision in that behalf should be otherwise made under and by virtue of the said last-mentioned Act, be one barony in itself, and should, for all purposes of Grand Jury Presentments and of criminal jurisdiction, and also of civil jurisdiction of the superior courts of common law in Dublin, be part of the county at large, which was adjacent to it, or with which it had the largest common boundary :

And whereas under the said recited Acts certain parts or portions of the old liberties of some of such counties of cities and counties of towns, and certain parts of parishes and other denominations thereof, are included within the boundaries of the counties of such cities or towns as defined under the provisions of the said recited Acts ; and other parts or portions of the liberties of the same cities or towns, and of such parishes and other denominations thereof, not being within such boundaries, have, for the purposes of Grand Jury Presentments, among others, become part of the adjoining counties :

A & C Vols
c. 77.

And whereas by an Act passed in the last Session of Parliament, intituled, " An Act to enable Grand Juries at the ensuing Summer and Spring Assizes to make certain Presentments in Counties of Cities and Towns in Ireland, and to remove Doubts as to the Jurisdiction of Justices of the Peace in Places recently annexed to Counties at large in Ireland," it was enacted, that at every assizes to be holden for any county of a city or county of a town in Ireland, in respect of which the said Act secondly before recited had come into operation, after the Summer Assizes One thousand eight hundred and Forty-one, it should be lawful to and for the Grand Jury of such county of a city or town to present all and every such sum and sums as might be lawfully presented pursuant to any Act in force in Ireland, relating to Grand Jury Presentments, previous to the coming into operation, within each such county of a city or town, of the Acts therein recited : Provided, That all and every such sum or sums, when so presented, and all sums which might be or have been legally added thereto by the Treasurer of such county of a city or county of a town, if the said Acts therein recited had not passed, should be assessed, apportioned, levied and raised off such county of a city or town as the same was defined under the said recited Acts :

And whereas doubts have arisen under the said several recited Acts in respect to the making Presentments, and assessing, apportioning and levying of public money within some of the counties of cities and counties of towns to which the provisions hereinbefore mentioned of the said last-recited Act were applicable, and in respect to the operation of the said several recited Acts upon those portions of such counties of cities and counties of towns parts of the former liberties thereof

thereof which were by the said first-recited Act included within the boundaries of the respective boroughs connected with such counties of cities and counties of towns;

May it therefore please Your MAJESTY,

- 5 That it may be Enacted; ~~And be it Enacted~~, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT for all purposes of Grand Jury Presentments and of this Act, the
 10 boundaries of every county of a city or county of a town, in respect of which the Act secondly before recited came into operation after the Summer Assizes for the year One thousand eight hundred and Forty-one, and before the passing of the said last-recited Act, shall be the same boundaries as are appointed for the county of the city of
 15 such borough under the provisions of the said Acts passed in the third and fourth years of Her present Majesty's reign; and that all distinctions heretofore existing in relation to city, suburbs and liberties of such county of a city or county of a town, and the valuations of premises within the same, and within the parishes, or portions of
 20 parishes, in any such city, suburbs and liberties, made for the purposes of Grand Jury Presentments, assessments and applotments, shall for such purposes cease and be deemed to be no longer in force; and all sums of money presented at the Spring Assizes of the present year uncollected, and all sums of money which shall from time to
 25 time be presented to be raised, or which shall under the provisions of the said-recited Acts or any of them or this Act be raised off any such county of a city or county of a town, shall be assessed and applotted by the Treasurer of such county of a city, and be collected and levied without reference to parochial or other distinctions
 30 or divisions upon the several houses, premises, lands and tenements situate within the boundaries appointed for the county of the city of the said borough equally, according to the net annual value thereof respectively as the same now are or shall from time to time hereafter be last valued and rated under the Act or Acts for the relief of the
 35 destitute poor in Ireland.

1.
Boundaries of
Boroughs to
be Boundaries
of Counties of
Cities.

Money pre-
sented to be
applied,

according to
valuation
under Poor
Relief Act.

2.
Parts of
Counties of
Cities and
Towns within
the operation
of Local Acts
and other
parts not so.

- AND whereas parts of some of such counties of cities or counties of towns are within the provisions of one or more local Act or Acts, made for lighting, paving, cleansing and improving thereof, and other parts are not within the provisions of such local Act or Acts, but are nevertheless under the said recited Act, passed in the last Session of
 40 Parliament, liable to contribute to the payment of the money to be raised for lighting, paving, cleansing and improving the portion of such counties of cities or towns which are within the provisions of such

Council of
Borough may
order parts
not within
local Acts for
lighting,
paving, clean-
ing and im-
proving to be
included in
such Act.

Amount of
Rate for light-
ing how
limited.

Rate for other
purposes how
limited.

3.
Lord Lieu-
tenant not to be
required to
appoint Sur-
veyor for each
County of a
City or Town.
6 & 7 Will. 4,
c. 114, s. 38.

local Act or Acts; BE it Enacted, That it shall be lawful for the Council of any borough, being one of such last-mentioned counties of cities or counties of towns, to make an order that any part of such borough not being within the provisions of any such local Act, shall from and after a certain day to be named in such order, be taken to be within the provisions of such local Act or Acts for lighting, paving, cleansing and improving such borough as the Council shall specify in such order; and after such day the part named in such order shall be within the provisions of the Act or Acts so specified, as fully as if such part had been originally named in such Act or Acts, any thing in such Act or Acts contained to the contrary notwithstanding: Provided always, That the additional rates to be raised off such county of a city or county of a town, for the purpose of defraying the expenses of lighting any part so named in such order, may be in proportion to, but shall not exceed, the average expense per lamp, of lighting the other parts of such county of a city or county of a town; and in case the rate chargeable on the other parts of such county of a city or county of a town, for paving, cleansing and improving the same, shall be determined by the number of square yards of highway within such parts, then the additional rate to be raised off such county of a city or county of a town for such purposes shall not exceed the same rate per square yard, according to the number of square yards of highway, within the said part of such county of a city or county of a town named in such order.

AND whereas by an Act passed in the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act to consolidate and amend the Laws relating to the Pre-
sentment of Public Money in Ireland," the Lord Lieutenant in Ireland is from time to time to appoint One or more Surveyor or Surveyors to act, at the salaries therein provided for each of such counties of cities and counties of towns: AND whereas by reason of the reduced limits of some of such counties of cities and counties of towns, and the provisions made for the paving, repairing and improving the streets and public ways within the same under local Acts, the appointment of a Surveyor under the said Act, passed in the sixth and seventh years of the reign of his said late Majesty King WILLIAM the Fourth, is no longer required in respect thereto; BE it Enacted, That the Lord Lieutenant of Ireland shall not henceforward be required to appoint a Surveyor for any such county of a city or county of a town.

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AND whereas by reason of the difficulties existing in the collection of Grand Jury Cess, divers arrears have accumulated in some of such counties of cities and counties of towns in Ireland: AND whereas the Grand Juries of such counties of cities and counties of towns have
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not the power to levy by instalments the sums still remaining due to contractors and other persons, and it is advisable that they should have power to provide for the levy thereof by instalments, with interest thereon: AND whereas by the said Act passed in the last Session of Parliament, certain enactments were made for enabling Grand Juries of such counties of cities and counties of towns to provide for the levy of such arrears in manner therein specified, but the said enactments have been insufficient for such purpose; BE it therefore Enacted, That it shall and may be lawful to and for the Grand Jury of any such county of a city or county of a town at the Summer Assizes of the present year, and they are hereby required to present to be raised off such county of a city or county of a town such sum as the arrears of Grand Jury Cess and other money for which the Treasurer of such county of a city or county of a town has issued his warrant or warrants shall then amount unto, and which shall remain due and uncollected, by reason of the difficulties existing in the assessment, apportionment and levy of Grand Jury Cess as hereinbefore mentioned; and such sum and sums shall be presented to be raised by *Twenty* equal Half-yearly instalments, with interest thereupon, at a rate not exceeding *Five Pounds* per centum per annum, in manner following; (that is to say) the first of the said instalments to be equal to *One-twentieth* part of the sum to be so presented, and *One-half* year's interest on the whole thereof, and the other instalments to be respectively equal to *One-twentieth* part of the sum so to be presented, and *One-half* year's interest on the balance of the sum presented then unpaid, the said instalments to be levied off such county of a city or county of a town after the Spring Assizes of the present year, and the several succeeding Assizes respectively, until the whole shall be levied and collected; and the Treasurer of such county of a city or county of a town shall and he is hereby required, without further presentment or authority in that behalf, to insert in his warrant or warrants, to be from time to time issued for the levying of public money off such county of a city or county of a town, the amount of the respective instalments of such residue of the said arrears hereby directed to be raised, with interest as aforesaid, as the same shall be leviable, in addition to the other monies to be levied after each Assizes.

When ascertained they shall present for Arrears payable with interest by instalments.

Treasurer to insert Sums presented in his Warrant.

And be it Enacted, That if any warrant shall have been heretofore issued for raising and levying any sum or sums of money, the levy whereof by instalment as aforesaid shall be provided for by presentment under this Act, it shall not be lawful to make any further levy under such warrant; and any person who shall have paid any sum of money under any levy by virtue of such warrant shall have credit

for the same in any levy of Grand Jury Cess to which he may be liable.

6.
Security to
Persons will-
ing to advance
Money to
Treasurer.

And be it Enacted, That if any person shall agree with the Treasurer of such county of a city or county of a town to lend or advance the amount of the said instalments of such arrear, or of any of them, for the use of such county of a city or county of a town, and shall pay the same into the Bank with which the said Treasurer shall have his public account as such Treasurer, it shall be lawful for the said Treasurer to give him a draft upon the said Bank for the amount of each instalment which he shall so advance, and which draft shall be countersigned by the Clerk of the Crown of such county of a city or county of a town, and shall be made payable to the payee, or his order, at the time at which such instalment ought to be paid over to the said Treasurer; and the person so advancing the amount of any such instalment, or the person entitled to receive the same, shall be paid by the said Treasurer the interest to become due thereon as the same shall be received by such Treasurer until the sum so advanced shall be paid off and discharged; and the sums hereby directed to be raised in respect of said arrear of public rates shall be paid and applied by the said Treasurer, in satisfaction of the several demands to which the rates so in arrear ought to have been applied, in case the same had been collected under his former warrants.

7.
Dublin ex-
cept from the
operation of
Act.

And be it Enacted, That nothing herein contained shall extend to or be deemed or construed to extend to or to affect the county of the city of Dublin or the borough thereof.

8.
Interpre-
tation Clause.

And be it Enacted, That in the construction of this Act every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender shall be applied to a female as well as a male, unless there be something in the subject or context repugnant to such construction respectively.

9.
Act may be
amended, &c.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Grand Jury Presentments.

(Ireland.)

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B I L L

To amend an Act of the last Session, "to enable Grand Jurors at the ensuing Summer and Spring Assizes to make certain Presentments in Counties of Cities and Towns in Ireland, and to remove Doubts as to the Jurisdiction of Justices of the Peace in Places recently annexed to Counties at large in Ireland."

(Proposed and brought in by

Mr. Sergeant Murphy, Mr. Wilson, and

Mr. Callaghan.)

Ordered by The House of Commons, to be Printed.

18 May 1843.

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